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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/596,567	06/19/2000	Erwin Perry Comer	IRI05248	3821

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MOTOROLA, INC.  
CORPORATE LAW DEPARTMENT - #56-238  
3102 NORTH 56TH STREET  
PHOENIX, AZ 85018

EXAMINER

NGUYEN, JOSEPH D

ART UNIT	PAPER NUMBER
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2683

2

DATE MAILED: 01/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/596,567

Applicant(s)

COMER ET AL.

Examiner

Joseph D Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-16, and 19-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Magnusson (6,122,499).

Regarding claim 1, Magnusson discloses a method of performing communications intercepts in a communications system comprising at least one satellite communications node and a plurality of subscriber units (abstract, fig. 1), the method comprising:

a) selecting one of the plurality of subscriber units as a target subscriber unit (fig. 7, col. 13 line 37 thru col. 14 line 9); and

b) intercepting a communication with the target subscriber unit when it reaches the at least one satellite communications node (abstract, fig. 1, col. 10 line 62 thru col. 12 line 47).

Regarding claim 2, Magnusson further discloses the method recited in claim 1 wherein the communications system further comprises a network management facility (fig. 1, 4, col. 9 lines 45-60), the method further comprising:

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the network management facility transmitting an intercept order to the at least one satellite communications node (fig. 4-5, col. 9 line 45 thru col. 10 line 3).

Regarding claim 3, Magnusson further discloses the method recited in claim 2 wherein the at least one communications node comprises a memory (stored intercept list of subscribers) (abstract, col. 12 line 24 thru col. col. 13 line 46, and col. 15 lines 6-12), the method further comprising:

the at least one satellite communications node storing the intercept order into an intercept table in the memory (abstract, col. 2 lines 29-60, col. 11 line 61 thru col. 12 line 47, and col. 15 lines 6-12).

Regarding claim 4, Magnusson further discloses the method recited in claim 3 wherein in the selecting operation more than one of the plurality of subscriber units (list of subscribers) is selected as a target subscriber unit (abstract, #12 fig. 7, col. 13 line 37 thru col. 14 line 2), wherein the selecting operation is performed by at least one intercept requestor having an intercept requestor ID (fig. 5 col. 9 line 61 thru col. 10 line 48), and wherein the intercept table comprises a list of all target subscriber units within the communications system (fig. 5-7, col. 9 line 61 thru col. 14 line 2), each target subscriber unit having associated there with at least one intercept requestor ID (fig. 3-7, col. 9 line 1 thru col. 14 line 2).

Regarding claim 5, Magnusson further discloses the method recited in claim 2 wherein the intercept order comprises a subscriber unit ID corresponding to the target subscriber unit (col. 9 line 1 thru col. 10 line 48).

Regarding claim 6, Magnusson further discloses the method recited in claim 5 and further comprising:

a) the at least one satellite communications node determining whether a received communication comprises the subscriber unit ID for the target subscriber unit (fig. 1, col. 11 line 61 thru col. 12 line 65);

b) intercepting the communication when said at least one satellite communications node determines said communication comprises said subscriber unit ID (col. 11 line 61 thru col. 12 line 65); and

c) transmitting without intercepting the communication when said at least one satellite communications node determines said communication does not comprise said subscriber unit ID (fig. 1, col. 11 line 61 thru col. 13 line 8).

Regarding claim 7, Magnusson further discloses the method recited in claim 6 wherein the communications system further comprises a network intercept facility (fig. 1), and wherein the intercept order comprises a network intercept facility ID identifying the network intercept facility (col. 9 line 1 thru col. 48), the method further comprising:

if the at least one satellite communications node intercepts the communication, transmitting the communication to the network intercept facility (abstract, fig. 1, 4-5, 7, and col. 1 lines 56-65, col. 7 lines 26-33, and col. 9 line 1 thru col. 10 line 3).

Regarding claim 8, Magnusson further discloses the method recited in claim 2 wherein the communications system further comprises a network intercept facility (fig. 1, 4, and col. 9 lines 45-60), and wherein the intercept order comprises a network intercept

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facility ID identifying the network intercept facility (col. 9 line 1 thru col. 48), the method further comprising:

the at least one satellite communications node transmitting the communication to the network intercept facility (abstract, fig. 1, 4-5, 7, col. 1 lines 56-65, col. 7 lines 26-33, and col. 9 line 1 thru col. 10 line 3).

Regarding claim 9, Magnusson further discloses the method recited in claim 8 wherein the intercept order identifies an intercept requestor, the method further comprising:

the network intercept facility addressing a transmission of the intercepted communication to the intercept requestor (fig. 4-5, col. 9 line 1 thru col. 10 line 48).

Regarding claim 10, Magnusson further discloses the method recited in claim 8 wherein the intercept order identifies an intercept requestor, the method further comprising:

the network intercept facility providing a transmission of the intercepted communication to the intercept requestor (fig. 4-5).

Regarding claim 11, Magnusson discloses a satellite communications node for use in a communications system having a plurality of communications nodes (abstract, fig. 1), the satellite communications node comprising:

a) a transceiver to receive communications from one communications node (fig. 1, col. 1 lines 41-67) and to transmit communications to another communications node (fig. 1, col. 1 lines 41-67);

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b) a data processing system (fig. 1, 5, col. 14 lines 24-67), including a processing element (fig. 1, 5, col. 14 lines 24-67) and a memory (database) (fig. 1, 5, col. 14 lines 24-67), to execute at least one computer program (col. 12 lines 48-65) performing intercepts in the communications system (col. 14 lines 24-67), the at least one computer program (col. 12 lines 48-65) when executed comprising the operations of:

a) storing an intercept order (fig. 5, col. 6 lines 4-33) comprising a target communications node ID in the memory (col. 3 lines 7-15, and col. 9 line 1 thru col. 10 line 61);

b) evaluating a communication received by the transceiver to determine whether it comprises the target communications node ID (col. 3 lines 7-15); if so, intercepting the communication; and if not, controlling the transceiver to transmit the communication without intercepting it (col. 3 lines 7-15, and col. 9 line 1 thru col. 10 line 61).

Regarding claim 12, Magnusson further discloses the satellite communications node recited in claim 11 wherein the intercept order is stored in an intercept table in the memory (abstract, col. 2 lines 20-60, col. 12 line 24 thru col. 13 line 46, and col. 15 lines 6).

Regarding claim 13, Magnusson further discloses the satellite communications node recited in claim 11 wherein the intercept order further comprises a start time when evaluating is to start, and wherein evaluating starts at the start time (col. 5 lines 26-47, col. 9 lines 19-33, and col. 12 lines 24-39).

Regarding claim 14, Magnusson further discloses the satellite communications node recited in claim 1 wherein the intercept order further comprises a stop time when

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evaluating is to stop, and wherein evaluating stops at the stop time (col. 5 lines 26-47, col. 9 lines 19-33, and col. 12 lines 24-39).

Regarding claim 15, Magnusson further discloses the satellite communications node recited in claim 11 wherein the at least one computer program when executed comprises the additional operations of:

if the communication is intercepted, generating a communication clone (back-up or a parallel process generated an Intercept record, containing call associated data, e.g., called and calling party numbers, time of call and so on, which is also transferred to the LEMF) (abstract, fig. 1-2, 4-5, col. 1 line 56 thru col. 2 line 60, and col. 9 line 1 thru col. 10 line 61); and

controlling the transceiver to transmit the communication clone (back-up or a parallel process generated an Intercept record, containing call associated data, e.g., called and calling party numbers, time of call and so on, which is also transferred to the LEMF) to another of the communications nodes (abstract, fig. 1-2, 4-5, col. 1 line 56 thru col. 2 line 60, and col. 9 line 1 thru col. 10 line 61).

Regarding claim 16, Magnusson further discloses the satellite communications node recited in claim 15 wherein the intercept order further comprises an ID corresponding to a network intercept facility to which a communication clone is to be transmitted, and wherein the transceiver is controlled to transmit the communication clone to the network intercept facility (abstract, fig. 1-2, 4-5, col. 1 line 56 thru col. 2 line 60, and col. 9 line 1 thru col. 10 line 61).



Regarding claim 19, Magnusson further discloses the satellite communications node recited in claim 15 wherein the intercept order further comprises an ID corresponding to an intercept requestor to which a communication clone is to be transmitted, and wherein the transceiver is controlled to transmit the communication clone to the intercept requestor (abstract, fig. 1-2, 4-5, col. 1 line 51 thru col. 2 line 60, and col. 9 line 1 thru col. 10 line 61).

Regarding claim 20, Magnusson discloses a communications facility for use in a communications system comprising a plurality of communications nodes (fig. 1), including at least one satellite communications node in which communications are intercepted (#60, fig. 1), the communications facility comprising:

- a) a transceiver to receive communications from one communications node and to transmit communications to another communications node (col. 1 lines 51-55);

- b) a data processing system (fig. 1, 5, col. 14 lines 24-67), including a processing element and a memory (fig. 1, 5-6, col. 14 lines 24-67), the processing element executing at least one computer program stored in the memory (col. 14 lines 24-67), the at least one computer program when executed comprising the operations of:

- c) generating an intercept order comprising a target communications node ID (fig. 4-5, col. 9 line 1 thru col. 10 line 61), the target communications node ID being assigned to a communications node whose communications are desired to be intercepted (fig. 4-5, col. 9 line 1 thru col. 10 line 61); and

- d) transmitting the intercept order to the at least one satellite communications node (col. 9 lines 1-60).

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Regarding claim 21. The communications facility recited in claim 20 wherein the intercept order further comprises a communications node ID corresponding to a communications node to which an intercepted communication is to be transmitted (col. 9 lines 1-60).

Regarding claim 22, Magnusson further discloses the communications facility recited in claim 21 wherein the at least one computer program (col. 12 lines 48-65) when executed comprises the additional operation of:

transmitting the intercept order to the communications node corresponding to the communications node ID (col. 9 lines 1 thru col. 10 line 61).

Regarding claim 23, Magnusson further discloses the communications facility recited in claim 20 wherein the intercept order further comprises an identifier corresponding to an intercept requestor requesting an intercept and to which an intercepted communication is to be transmitted (col. 9 lines 1 thru col. 10 line 61).

Regarding claim 24, Magnusson further discloses the communications facility recited in claim 23 wherein the at least one computer program (col. 12 lines 48-65) when executed comprises the additional operation of transmitting the intercept order to the intercept requestor corresponding to the identifier (col. 9 lines 1 thru col. 10 line 61).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Magnusson (6,122,499).

Regarding claim 17, Magnusson further discloses the satellite communications node recited in claim 16 wherein the intercept order further comprises a start time when evaluating is to start only when the user is started using the phone (col. 9 line 11 thru col. 10 line 61, col. 11 line 61 thru col. 14 line 2), wherein evaluating starts at the start time (col. 9 line 11 thru col. 10 line 61, col. 11 line 61 thru col. 14 line 2), and wherein the start time has a different granularity than a start time stored at the network intercept facility corresponding to the intercept order (col. 9 line 11 thru col. 10 line 61, col. 11 line 61 thru col. 14 line 2). However, Magnusson does not specifically disclose the start time has a different granularity than a start time stored at network intercept facility. However, It would have been obvious to one skilled in the art at the time the invention was made to modify Magnusson system from the start time can only start when the user starts using the phone, even the start time is set and stored at the network intercept facility to the start time has a different granularity than a start time stored at the network intercept facility corresponding to the intercept order in order to keep track the interception request time and to evaluating the exact location of the user as needed to notify the law enforcement.

Regarding claim 18, Magnusson further discloses the satellite communications node recited in claim 16 wherein the intercept order further comprises a stop time when evaluating is to start (setting time and duration of call time) (col. 9 line 11 thru col. 10

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line 61, col. 11 line 61 thru col. 14 line 2), wherein evaluating starts at the start time (col. 9 line 11 thru col. 10 line 61, col. 11 line 61 thru col. 14 line 2), and wherein the start time has a different granularity than a stop time stored at the network intercept facility corresponding to the intercept order (col. 9 line 11 thru col. 10 line 61, col. 11 line 61 thru col. 14 line 2). However, Magnusson does not specifically disclose the stop time has a different granularity than a stop time stored at network intercept facility. However, It would have been obvious to one skilled in the art at the time the invention was made to modify Magnusson system from the start time and duration of call when the start time and duration can only starts when the user starts using the phone even the stop time is set and stored at the network intercept facility to the stop time has a different granularity than a stop time stored at the network intercept facility in order to keep track the interception timing and to evaluating the exact location of the user as needed to notify the law enforcement.

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

703 308-9051, (for formal communication intended for entry)

Or:

(703) 305-9509 (for informal or draft communications, please label

"PROPOSED" OR "DRAFT")

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Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington. VA. Sixth floor (Receptionist).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D Nguyen whose telephone number is (703) 605-1301. The examiner can normally be reached on 7:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Joseph Nguyen



Jan. 8, 2004



WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600